

1 David A. Bahr (Oregon Bar No. 90199)
 2 Bahr Law Offices, P.C.
 3 1035 ½ Monroe Street
 4 Eugene, OR 97402
 (541) 556-6439
davebahr@mindspring.com

5 Elena Saxonhouse (California Bar. No. 235139)
 6 Sierra Club Environmental Law Program
 7 85 Second St., 2nd Floor
 San Francisco, CA 94105
 (415) 977-5765
 (415) 977-5793 (facsimile)
Elena.Saxonhouse@Sierraclub.org

8
9 Attorneys for Plaintiffs

10 MELINDA HAAG (132612)
 11 United States Attorney
 12 SARA WINSLOW (DCBN 457643)
 Acting Chief, Civil Division
 13 ABRAHAM A. SIMMONS (SBN 146400)
 Assistant United States Attorney
 14 450 Golden Gate Avenue, 9th Floor
 San Francisco, California 94102-3495
 Telephone: (415) 436-7264
 Facsimile: (415) 436-6748
 Email: abraham.simmons@usdoj.gov

15
16 Attorneys for Federal Defendant

17
18
19 **IN THE UNITED STATES DISTRICT COURT**
 FOR THE NORTHERN DISTRICT OF CALIFORNIA
 20 **SAN FRANCISCO DIVISION**

21 **THE SIERRA CLUB and ENVIRONMENTAL**
 22 **INTEGRITY PROJECT,**

23 Plaintiffs,

24 *vs.*

25 **UNITED STATES ENVIRONMENTAL**
 26 **PROTECTION AGENCY,**

27 Defendant.

28 Case No. C-11-0846-MEJ

JOINT CASE MANAGEMENT
 REPORT



This is an action brought by Plaintiffs pursuant to the Freedom of Information Act, 5 U.S.C. § 552, to compel production of documents. The information request upon which this suit is based, sought information submitted to defendant relating to the operations of coal-fired power plants owned by the Luminant corporation.

After the parties completed briefing cross-motions for summary judgment, but before oral argument on same, on May 20, 2012, the Court vacated the scheduled hearing and ordered the parties to meet and confer in her chambers on May 30, 2012. Dkt. No. 50. After fruitful discussion in chambers, the parties agreed to continue with informal settlement discussions in an effort to resolve this matter without further litigation. Accordingly, the parties engaged in a number of direct and informal settlement conference calls and have exchanged a settlement proposal. Additionally, the Parties wish to inform the Court that recent EPA enforcement activities involving Luminant Generation Company may impact EIP and Sierra Club's interest in the documents at issue in this matter. Unfortunately, the parties have not yet been able to obtain consensus on how to settle the case. They therefore desire additional time in which to explore a negotiated resolution to this dispute.

Accordingly, the parties propose that they be provided an additional two months in which to attempt to conclude their settlement negotiations and report back to the Court on the status of same no later than November 21, 2012.

Respectfully submitted for the Court's consideration, this 20th day of September, 2012.

MELINDA HAAG
United States Attorney

s/ David Bahr
David Bahr (Oregon Bar No. 901990)
Bahr Law Offices, P.C.
1035 ½ Monroe Street
Eugene, OR 97402
(541) 556-6439
davebahr@mindspring.com

s/ Abraham Simmons
ABRAHAM SIMMONS
Assistant United States Attorney
Attorneys for Federal Defendant